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Somach, Simmons
& Dunn

May 12, 2010

Delta Stewardship Council
650 Capitol Mall
Sacramento, California 95814

Re: Interim Delta Plan

Dear Council Members:

This letter is submitted by the Glenn-Colusa Irrigation District in accordance with the Delta Stewardship Council's (Council) request for input regarding the development of the Council's Interim Delta Plan.

Glenn-Colusa Irrigation District (GCID) is located in the heart of the Sacramento Valley and is one of the most senior diverters of water from the Sacramento River. GCID diverts water from the Sacramento River through a 65-mile long irrigation canal into a complex system of nearly 500 miles of laterals irrigating approximately 141,000 acres of valuable, productive agricultural land and delivering water to three wildlife refuges – the Sacramento, Delevan and Colusa National Wildlife Refuges that comprise over 20,000 acres of critical wildlife habitat. Farmers within GCID grow such diverse crops as rice, wheat, tomatoes, cotton, corn, walnuts, almonds and pistachios, which are shipped across the nation and the world. GCID also delivers water in the fall and winter to over 30,000 acres of private farmland, which is used for wintering habitat and food for migrating waterfowl and other aquatic and terrestrial species.

The Legislature tasked the Council with a significant challenge: to create a comprehensive plan for the Delta that reconciles, to the extent possible, the disaggregated patchwork of policies and regulatory directives that affect activities in the Delta region.

Specifically, the Legislature directed the Council to develop, adopt, and commence implementation of the "Delta Plan" to further the co-equal goals. (Public Resources Code section 85300(a).) The Delta Plan must be completed by January 1, 2012. Until the Delta Plan is developed, the Legislature has directed the Council, as part of its "Early Actions," to "develop an interim plan (Interim Delta Plan) that includes recommendations for early actions, projects, and programs." (Water Code section

85084.) As the Delta Plan will be developed and completed within the next 18 months, this Interim Delta Plan must be developed rapidly in sufficient time to be immediately useful. There is, of course, no legal requirement that the Interim Delta Plan be as comprehensive or detailed as the Delta Plan. Indeed, the relatively short time frame within which the Delta Plan will be developed necessitates a streamlined and more abbreviated Interim Delta Plan.

In this regard, the Council is now considering a draft outline of the Interim Delta Plan (Draft Outline), which identifies the proposed contents of the Interim Delta Plan. The Council should proceed with developing the Interim Delta Plan with the recognition that it needs to be developed relatively quickly, and that certain of the proposed items for consideration are already being undertaken and/or are within the jurisdiction of other agencies.

With this in mind, GCID offers the following comments on the main points raised by the draft outline for consideration in the development of the Interim Delta Plan:

- *Plan Outline Priorities*

The Plan Outline should be reorganized to identify and address Delta Plan priorities to focus on issues, projects, and plans within the legal Delta in the early portions of the Plan, and follow with consideration of other related activities outside the Delta. For example, Item VI (Reduce risks to people...), should be a high priority of the plan and should be identified as such, compared to Item IV (Promote Statewide conservation), which should be a lower priority. The current draft outline mirrors the ordering in the statute but the Plan itself should be reorganized to identify high-priority issues first.

- *Regional Sustainability*

The Interim Delta Plan should promote regional sustainability as the cornerstone for water management in California, which is an effective mechanism to achieve statewide reliability. However, the Plan should recognize and provide assurances to regions that are currently self sufficient that future efforts to achieve statewide reliability will respect the importance of existing regional sustainability and not preclude these regions from maintaining their self-sufficiency.

- *Legally acknowledge the co-equal goals.*

The Interim Delta Plan should recognize that the co-equal goals of providing a more reliable water supply for California and protecting, restoring, and

enhancing the Delta ecosystem are now codified as part of California law, and should recognize that the co-equal goals must be achieved in a way that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. There should also be a recognition that achievement of the co-equal goals should not be at the expense of other areas of the State that are currently managing water supplies and environmental resources in a sustainable manner consistent with the co-equal goals. This is particularly true with areas upstream of the Delta, where substantial time and money has been invested in environmental restoration and in dedicating water to environmental uses.

- *Recognize and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place.*

The Delta Protection Commission is required, by statute, to complete a resources management plan for the Delta. The Council is required to "consider" that Plan. The original resources management plan was adopted in 1995 and was most recently updated in 2009. The Delta Protection Commission adopted the updated plan as a regulation in February 2010. The Delta Protection Commission's resources management plan should become a part of the Interim Delta Plan.

- *Restore Delta ecosystem.*

The Legislature has already directed the Department of Water Resources to move forward on several near-term projects geared towards restoring the Delta ecosystem, including Dutch Slough tidal marsh restoration and Meins Island tidal marsh restoration, as well as coordinating and cooperating on the construction and operation of the Two Gates Fish Protection Demonstration Project. The State Water Resources Control Board (SWRCB) has completed its flow proceeding, as mandated by Water Code section 85086(c)(1), and plans to issue its report late summer 2010. The intent of this process is to develop new flow criteria for the Delta ecosystem necessary to protect public trust resources. In addition, there are other restoration projects under consideration in other venues, such as potential restoration opportunities in the Yolo Bypass and Suisun Marsh. Instead of creating a new venue in which these issues are reconsidered, the Interim Delta Plan should recognize and incorporate these existing efforts.

- *Promote statewide water conservation, efficiency, and sustainable water use (expanded diversion data collection and reporting).*

As explained above, the SWRCB is nearing completion of its flow proceeding, a process in which the California Department of Fish and Game and the National Marine Fisheries Service are participating. In addition, the SWRCB must also develop, prior to December 31, 2010, an effective system of Delta watershed diversion data collection and public reporting. The Interim Delta Plan should recognize these ongoing efforts.

The SWRCB must also appoint, in consultation with the Council, a Delta Watermaster. The appointment of an objective and effective Watermaster, through the Council's consultation with the Board, should be part of the Council's Interim Delta Plan.

Additionally, the Department of Water Resources (Department) is already tasked with identifying conservation and efficiency targets for water consumption and must convene a task force to develop alternative best management practices and assess the potential statewide water use efficiency improvements that would result from implementation of best management practices, as required in SBX7. The Plan should recognize and incorporate these efforts and not attempt to trump the activities of the Department.

- *Build facilities to improve the existing water conveyance system and expand statewide storage and operate both to achieve the co-equal goals*

The Interim Delta Plan calls only for Council *recommendations* for early actions by other agencies. As explained above, the Department is required, by statute, to proceed with various near-term projects, and others are being considered in other venues. Operation of the State and federal projects is currently under consideration in the Bay Delta Conservation Plan process. As such, the Interim Delta Plan should recognize these ongoing efforts.

Regarding statewide storage, the Interim Delta Plan should encourage continued feasibility studies of water storage facilities and should direct the Delta Science Program to accelerate studies on the environmental and water supply benefits of various statewide water storage options. The Council will need to consider how additional storage could increase the potential yield and/or flexibility of the state's water system to assist in Delta restoration goals. The Plan should also contain contingencies for the implementation of SB2 (The Water Bond) and how the Council would interact with the reformed Water Commission.

GCID has invested considerable time and effort in studying the advantages of upstream storage options and is available to discuss this work with the Council's staff, as appropriate.

- *Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and strategic levee investments.*

As identified in the first bullet, this issue should be one of the highest priorities of the Council and should appear early in the Plan.

The Sacramento-San Joaquin Delta Emergency Preparedness Act of 2008 requires the Office of Emergency Services to convene a Multi-Hazard Coordination Task Force that is responsible for emergency response planning the Delta. The Act requires the Task Force, before January 1, 2011, to present recommendations relating to the creation of a unified command system, coordinate the development of a draft emergency preparedness and response strategy for the Delta, and develop and conduct an all-hazard emergency response exercise in the Delta to test existing regional protocols. The Interim Delta Plan should recognize this ongoing effort and should direct appropriate recommendations to the Multi-Hazard Coordination Task Force.

The Delta Protection Commission's land use and resources management plan already addresses appropriate land uses and levee findings, policies, and recommendations. As explained above, the Interim Delta Plan should recognize the land use and resource management plan. To the extent the Council is going to make recommendations to the land use and resources management plan, those recommendations should be made as the Delta Protection Commission updates its plan.

- *Develop and implement a project review process for use moving forward.*

The Interim Delta Plan should include guidelines for consistency determinations until the final Delta Plan is developed. These guidelines should create a usable framework that local and state agencies can readily employ when determining whether a project is a "covered action" and whether a project is consistent with the Interim Delta Plan.

Delta Stewardship Council

May 12, 2010

Page Six

- *Establish a new governance structure with the authority, responsibility, accountability (85082 federal participation), science support (85280) and secure funding to achieve these goals.*

The Council should continue to monitor ongoing processes that potentially impact the Delta and the achievement of the co-equal goals and, where appropriate, provide comments and recommendations in those processes. Success of the Interim Delta Plan, the Delta Plan, and achievement of the co-equal

goals will depend, in large part, on an appropriate level of engagement by the Council. Indeed, much if not all of the regulatory jurisdiction within the boundary of the Delta Plan is already vested in existing federal, State and local agencies, which is likely why the statutes direct the Council to consult "federal, state, and local agencies with responsibilities in the Delta." (Public Resources Code section 85300(b).) In this regard, the Council should not impede the work currently underway by existing agencies, but should instead constructively participate by providing appropriate recommendations to further the co-equal goals.

The Interim Delta Plan should be developed by utilizing the significant work and contributions already completed and that are in process at the federal, state, and local level. The Interim Delta Plan must be developed quickly in order for it to provide a useful framework while the full Delta Plan is being developed. Accordingly, the Council's focus, in developing the Interim Delta Plan, should be on compiling the significant work already accomplished, and remaining informed on the various processes currently underway. GCID looks forward to the opportunity to continue to provide meaningful input into the ongoing work of the Council.

Sincerely,

A handwritten signature in black ink, appearing to read "Thaddeus L. Bettner", written in a cursive style.

Thaddeus L. Bettner
General Manager